

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

UNITED STATES OF AMERICA,)	CASE NO: 1:10-mj-02001
)	
Plaintiff,)	
)	
vs.)	MAGISTRATE JUDGE
)	NANCY A. VECCHIARELLI
ROHAN WAYNE HARRIS,)	
aka Earl L Woods,)	
)	
Defendant.)	ORDER

Defendant, Rohan Wayne Harris, filed a motion for general discovery and early disclosure of Jencks and exculpatory material citing Brady as the controlling authority. (Doc. 9). The government filed a response in opposition. (Doc. 17).

The government is not obligated to provide general discovery under Rule 16 or Brady materials pre-indictment. The government must disclose exculpatory evidence in time for effective use at trial to help ensure the defendant's right to a fair trial. Similarly, the government is not obligated to provide discovery of Jencks Act material pre-indictment. *United States v. Presser*, 844 F.2d 1275, 1283(6th Cir. 1988), and *United States v. Algie*, 667 F.2d 569, 571 (6th Cir. 1982).

The Court finds that the defendant's motion is premature as no indictment has been returned in the matter. The defendant's motion is, therefore, denied without prejudice. The motion may be re-filed after an indictment or information has been returned against the defendant.

IT IS SO ORDERED.

Date: February 23, 2010

s/ Nancy A. Vecchiarelli
NANCY A. VECCHIARELLI
U.S. MAGISTRATE JUDGE